

**Decision of the Discipline Committee of the
Saskatchewan Dental Assistants' Association
(Summary Document)
Nia Harrison**

Discipline Committee:

Shannon Kehler (Chair and Member)
Andrea Braniff (Member)
Doug Finnie (Public Member)

Participants:

Tim Hawryluk, legal counsel for the Professional Conduct Committee (PCC) of the Saskatchewan Dental Assistants' Association.

Nia Harrison (by telephone)

Alma Weibe, legal counsel for the SDAA Discipline Committee

Charges:

1. A hearing into the following charges against Nia Harrison, a member of the Saskatchewan Dental Assistants' Association (SDAA), was held at the Hilton Garden Inn in Saskatoon on September 3, 2020:

That you are guilty of professional misconduct contrary to the provisions of subsection 27(a) and/or (b) and/or (c) of *Act*, and/or the provisions of section 17 (Code of Ethics), and 18.5 (Standards of Practice) of the Regulatory Bylaws of the Association, in that:

- a) Between the dates January 1, 2017 and October 31, 2018 at or near Saskatoon, Saskatchewan, you posted untrue and/or defamatory statements with respect to a dentist, Dr. XXX, in the form of false online reviews; and
 - b) Between the dates of January 1, 2017 and October 31, 2018, at or near Saskatoon, Saskatchewan, you conspired with or directed other individuals to post untrue and/or defamatory statements with respect to a dentist, Dr. XXX, in the form of false online reviews.
2. Counsel for the Professional Conduct Committee (PCC) filed the Notice of Hearing with Affidavit of Service, an Agreed Statement of Facts and a draft Consent Order as exhibits in the hearing.
 3. Ms. Harrison confirmed that she was a member of the SDAA and subject to The Dental Disciplines Act, S.S. 1997, D-4.1, the subject of a formal complaint and that she had been served with the Notice of Hearing. She acknowledged the authority of the Discipline Committee to hear and determine the complaint against her and presented no objection to the composition of the Discipline Committee or its individual members.
 4. Ms. Harrison entered guilty pleas to the two charges against her.

Submissions

Counsel for the PCC acknowledged the Member's cooperative, cordial and professional demeanor throughout the negotiation of the Agreed Statement of Facts, draft Consent Order and preparation for this hearing. Her cooperation minimized the cost of the hearing and the need to call witnesses.

Counsel also commented on the seriousness of the Member's conduct and the effect of it on the Complainant and the Complainant's business. He also noted that damages were awarded to the Complainant in the Complainant's Queen's Bench action against the Member.

Regarding the draft Consent Order respecting penalty, Counsel noted that the costs agreed to in the sum of \$7,500.00 are not adequate to cover the actual costs incurred by the SDAA in the prosecution and hearing of this matter but that the Member's early guilty pleas minimized the costs.

Decision:

The Committee considered the Member's conduct in deliberately and intentionally publishing false reviews about the Complainant and conspiring with others to do the same as egregious. Her conduct had a significant effect upon the Complainant and his business. The Committee considered the Member's conduct as akin to fraud. Whereas the taking of material goods from another is a serious offence, material goods can often be replaced. Damage to one's professional reputation is more difficult to recover, if it can be recovered at all.

The Committee determined it necessary to send a strong, clear message to other members and to the public of its approbation of this type of conduct. In order to do so the Committee determined that a more appropriate penalty in these circumstances may be to expel the Member from the SDAA and order her name struck from the Register for a period of two years.

Given that the draft Consent Order called for a two-year suspension rather than expulsion, the Committee reconvened the hearing to address its concerns with the parties and invite their further submissions, if any. Upon hearing the consents of both the Member and Counsel for the PCC to expulsion of the Member without right to reapply for membership for a period of two years, the Committee granted the following Order:

- a) The Member, Nia Harrison, shall be expelled from the Saskatchewan Dental Assistants' Association and her name shall be struck from the Register.
- b) The Member shall be prohibited from reapplying for membership in the Association for a period of two years.
- c) The Member shall reimburse a portion of the expenses incurred by the Association during the investigation and hearing into the Member's conduct in an amount fixed at \$7,500.00, payable within two years of the date of this Order.
- d) The Discipline Committee further orders that upon application for readmission:
 - i. the Member must demonstrate she has successfully completed, at her own expense, an accredited course of instruction dealing with professional ethics, with such course to be approved by the Executive Director of the SDAA in advance; and
 - ii. the full amount of the costs of this matter are paid in full; and
 - iii. the Member provide an undertaking that, upon readmission as a member of the Association, she will disclose her record of conviction to any future employer proposing to employ her as a registered dental assistant.
- e) Pursuant to Regulatory Bylaw 16.10, a summary of this decision shall be reported in the SDAA's publication and posted on the SDAA website.

The Discipline Committee extends its thanks to Counsel for the PCC for his able presentation of this matter and to the Member for her cooperation throughout.

DATED at Saskatoon, Saskatchewan, this 14th day of September, 2020.